

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS PENSION FUND)
AND WELFARE FUNDS,)

Plaintiff,)

v.)

PAGE CARTAGE, INC.)
a dissolved Illinois corporation and)
JIMMY PAGE, JR., Individually,)

Defendants.)

FILED: JUNE 3, 2008
Case No.: 08CV3210 TG
Judge JUDGE HART
MAGISTRATE JUDGE KEYS
Magistrate Judge

COMPLAINT

Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds"), by their attorneys, John J. Toomey, of Arnold and Kadjan, complain against Defendant, PAGE CARTAGE, INC., a dissolved Illinois corporation, as follows:

COUNT I

JURISDICTION AND VENUE

1. (a) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1132 ("ERISA") and 29 U.S.C. 1145 as amended.

(b) Venue is founded pursuant to 29 U.S.C. Section 1132(e) (2) in this district, where the Fund as described in Paragraph 2, is administered.

PARTIES

2. (a) Plaintiffs are the TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds") and have standing to sue pursuant to 29 U.S.C. 1132(a)(3).

(b) The SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS have been established pursuant to collective bargaining agreement previously entered into between the International Brotherhood of Teamsters and its affiliated locals ("the Union") and Employers;

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws, and also pursuant to the terms and provisions of the Agreements and Declarations of Trust which establish the Funds.

3. (a) PAGE CARTAGE, INC., a dissolved Illinois corporation, employs persons represented by the Union and is bound to make contributions for weeks worked by all employees and upon subcontractors who perform work which would otherwise be performed by employees.

(b) PAGE CARTAGE, INC., is a dissolved Illinois corporation, with its principal place of business at Flossmoor, Illinois.

(c) PAGE CARTAGE, INC., a dissolved Illinois corporation, is an employer engaged in an industry affecting commerce.

4. PAGE CARTAGE, INC., a dissolved Illinois corporation, entered into an Area Construction Agreement for the period beginning October 2, 2006 through the present with Teamsters 179 which require contributions to the Funds pursuant to 29 U.S.C. 1145.

5. Pursuant to the collective bargaining agreement between PAGE CARTAGE, INC., a dissolved Illinois corporation, and the Union, PAGE CARTAGE, INC., has failed and continues to fail to make its obligated contributions to the Fund for the period October, 2006 through June, 2007, as disclosed in an audit which took place on August 8, 2007.

6. The audit disclosed \$2,755.51 due the Pension Fund and \$3,643.48 due the Welfare Fund for a total of \$6,398.99.

7. Defendant, JIMMY PAGE, JR. is the President of PAGE CARTAGE, INC., a dissolved Illinois corporation.

8. On January 3, 2008 the corporation entered into an installment note (attached as Exhibit B) with the Suburban Teamsters of Northern Illinois Welfare Fund for the payment of October, 2006 through June, 2007 delinquent contributions in the principal amount of \$3,673.37 with a balance remaining of \$2,777.99 for the payment of delinquent benefit contributions (Exhibit C payment schedule).

9. On January 3, 2008 the corporation entered into an installment note (attached as Exhibit D) with the Suburban Teamsters of Northern Illinois Pension Fund for the payment of October, 2006 through June, 2007 delinquent contributions in the principal amount of \$2,777.99 with a balance remaining of \$2,100.85 for the payment of delinquent benefit contributions (Exhibit E payment schedule).

10. The notes acknowledge on their face that they are a written agreement and constitutes an instrument in writing upon which contributions are due pursuant to 29 U.S.C. 1145.

11. The corporation failed to make the initial installment payments due February 28, 2008 and after notice of default, has failed to cure the delinquency which as provided on the face of the note is a basis for acceleration of the entire debt.

WHEREFORE, Plaintiff, prays for judgment against the Defendant, PAGE CARTAGE, INC., a dissolved Illinois corporation, as follows:

A. The Court enter judgment in favor of the Suburban Teamsters of Northern Illinois Welfare Fund and against PAGE CARTAGE, INC., a dissolved Illinois corporation, in the amount of \$2,777.99 the accelerated outstanding balance due on the Welfare installment note (Exhibits B and C).

B. The Court enter judgment in favor of the Suburban Teamsters of Northern Illinois Pension Fund and against PAGE CARTAGE, INC., a dissolved Illinois corporation, in the amount of \$2,100.85 the accelerated outstanding balance due on the Pension installment note (Exhibits D and E)

C. The Court grant the Funds all relief permitted under 29 U.S.C. 1132(g)(2) including liquidated damages, interest and reasonable attorneys fees.

D. The Court, pursuant to the terms of the notes, grant the Funds the principal amounts of the welfare and pension notes plus interest and all reasonable costs of collection, including reasonable attorneys fees.

E. The Court grant the Plaintiff Funds injunctive relief to prevent disbursement of assets or payment of other creditors prior to payment of current delinquent and note payments.

COUNT II

JIMMY PAGE, JR.

1. This Count arises from a common nucleus of operative fact with Count II and is pendent thereto. This Court has supplemental jurisdiction pursuant to 28 U.S.C. 1367

2-11. Plaintiffs restate and reallege Paragraphs 1-11 of Count I as Paragraphs 2-11 of Count II as if fully set forth herein.

12. JIMMY PAGE, JR. signed the promissory note individually in his personal capacity, as an additional maker on the Welfare Fund installment note (Exhibit B) and Pension Fund installment note (Exhibit D). JIMMY PAGE, JR. is an adult, suffers from no mental infirmities and is literate.

13. The notes are in default as of February 28, 2008 having failed to make the February 28, 2008 installment payments. Notice of default was made upon the corporation and individual defendant.

14. The Defendant corporation lacks the present ability to pay its fringe benefit debt and demand has been made for payment.

15. The remaining balance due the Welfare Fund on the note is \$2,777.99 plus interest and attorneys fees and cost of collection as provided in the terms of the note.

16. The remaining balance due the Pension Fund on the note is \$2,100.85, plus interest and attorneys fees and cost of collection as provided in the terms of the note.

17. JIMMY PAGE, JR., Individually as co-maker and guarantor on the notes is personally liable for the debt.

WHEREFORE, Plaintiffs pray for judgment against JIMMY PAGE, JR., Individually as follows:

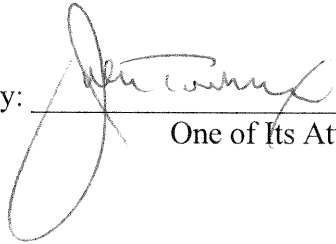
A. That the Court enter judgment in favor of the Plaintiff Welfare Fund and against JIMMY PAGE, JR., Individually in the amount of \$2,777.99 the accelerated balance on the Welfare note (Exhibit B).

B. That the Court enter judgment in favor of the Plaintiff Pension Fund and against JIMMY PAGE, JR., Individually in the amount of \$2,100.85, the accelerated balance on the Pension note (Exhibit D).

C. That the Court pursuant to the terms of the promissory note grant the Plaintiff Funds the principal amount of the note plus interest and all reasonable costs of collection including reasonable attorneys fees.

D. That the Court grant such other relief as is appropriate under the circumstances

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

By:  _____
One of Its Attorneys

John J. Toomey
ARNOLD AND KADJAN
19 West Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415

EXHIBIT A

Page Carriage, Inc.
010000120

AREA CONSTRUCTION AGREEMENT

BETWEEN

TEAMSTERS LOCAL 179

An Affiliate of the

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

And

CONTRACTORS ASSOCIATION OF
WIL AND GRUNDY COUNTIES



JUNE 1, 2006 THROUGH MAY 31, 2009

FOR NON-ASSOCIATION EMPLOYERS

FOR TEAMSTERS LOCAL 179

BY:

TITLE:

DATE:

FOR THE COMPANY

COMPANY:

ADDRESS:

City

State

Zip

PHONE:

BY:

TITLE:

DATE:

John J. [Signature]
President

10/2/09

Page Carriage Inc.

242 Cove Dr.

Elgin IL 60122

708-516-7633

John J. [Signature]
President

10/2/09

General Chauffeurs, Sales Drivers and Helpers

Local Union No. 179

Affiliated with the International Brotherhood of Teamsters



MAIN OFFICE:
1000 N. E. I-55 FRONTAGE RD.
JOLIET, ILLINOIS 60431
PHONE (815) 741-2200
FAX (815) 741-2278

SUB OFFICE:
SHERMAN & LADD
PONTIAC, ILLINOIS 61784
PHONE: (815) 844-5084



To: Suburban Teamsters Fringe Benefits – Compliance Dept.
1275 W. Roosevelt Road, #121
West Chicago, IL 60185

November 9, 2006

Re: NEW EMPLOYER

Company Name: Page Cartage, Inc. *em# 4716*

Mailing Address: 242 Cove Dr., Flossmoor, IL 60422

Phone: 708-516-7633

Company Officer: Jimmy Page, Jr.

Company Contact Same As Above

Collective Bargaining Agreement (enclosed):

Type of contract: CON

Date signed: 10/02/06

Initial Contribution Rates:

Effective date: 6/1/06	6/1/07	6/1/08
Welfare: \$5.50	TBA	TBA
Pension: \$155.00	TBA	TBA

Participants (attach sheet with additional names):

Name: Stephen Watson	SSN: 320-72-8463
Name: Michael Buckner	SSN: 358-54-7125
Name:	SSN:

HAVE IT DELIVERED UNION!

EXHIBIT B

SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS FRINGE BENEFITS

Page Carriage, Inc. : Welfare Fund
January 4, 2008

For value received, the undersigned promises to pay to the order of Suburban Teamsters of Northern Illinois Welfare Fund the principal total of \$3,673.37 (Three Thousand Six Hundred Seventy Three and 37/100 dollars.)

The maker of this Note acknowledges that the above indebtedness represents fringe benefit contributions and other costs and charges due and owing pursuant to applicable provisions of the Employee Retirement Income and Security Act 29 U.S.C. 1145. For contributions due for the period October, 2006 through June, 2007.

The Employer shall make a down payment of \$918.34 on January 4, 2008, leaving a principal balance of \$ 2,755.03. That balance is to be paid with 10% annual interest in 12 equal and consecutive monthly installments of \$ 242.21 beginning on January 30, 2008. Payments should be sent to:

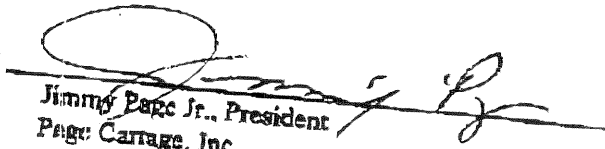
Suburban Teamsters of Northern Illinois
1275 W. Roosevelt Rd. Unit 121
West Chicago, IL 60185

Or such other place as may be directed by the legal holder of this Note.

The Employer is to remain current in regular monthly contributions. Failure to do so will be considered a default, causing the remaining unpaid Note balance to become immediately due and payable.

The undersigned hereby irrevocably authorizes any attorney of any court of record to appear for the undersigned in such court, in term time or vacation, at any time after default in the payment of any installment of the principal hereof, and confess judgment without process in favor of the payee or holder of this Note for the unpaid amount, together with costs of collection including reasonable attorney's fees, and to waive and release all errors which may intervene in such proceedings, and consent to immediate execution upon such judgment, hereby ratifying and confirming all that said attorney may do by virtue hereof.

All parties hereto severally waive presentment for payment, notice of dishonor and protest.

By:  Date: 1/3/08
Jimmy Page Jr., President
Page Carriage, Inc.

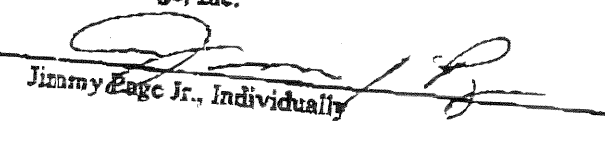
 Date: 1/3/08
Jimmy Page Jr., Individually

EXHIBIT C

SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS FRINGE BENEFITS

Page Cartage, Inc. : Pension Fund
January 4, 2008

For value received, the undersigned promises to pay to the order of Suburban Teamsters of Northern Illinois Pension Fund the principal total of \$2,777.99 (Two Thousand Seven Hundred Seventy Seven and 99/100 dollars.)

The maker of this Note acknowledges that the above indebtedness represents fringe benefit contributions and other costs and charges due and owing pursuant to applicable provisions of the Employee Retirement Income and Security Act 29 U.S.C. 1145. For contributions due for the period October, 2006 through June, 2007.

The Employer shall make a down payment of \$694.50 on January 4, 2008, leaving a principal balance of \$ 2,083.49. That balance is to be paid with 10% annual interest in 12 equal and consecutive monthly installments of \$ 183.17 beginning on January 30, 2008. Payments should be sent to:

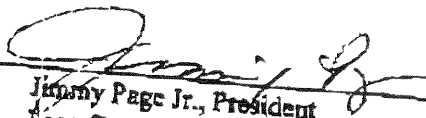
Suburban Teamsters of Northern Illinois
1275 W. Roosevelt Rd. Unit 121
West Chicago, IL 60185

Or such other place as may be directed by the legal holder of this Note.

The Employer is to remain current in regular monthly contributions. Failure to do so will be considered a default, causing the remaining unpaid Note balance to become immediately due and payable.

The undersigned hereby irrevocably authorizes any attorney of any court of record to appear for the undersigned in such court, in term time or vacation, at any time after default in the payment of any installment of the principal hereof, and confess judgment without process in favor of the payee or holder of this Note for the unpaid amount, together with costs of collection including reasonable attorney's fees, and to waive and release all errors which may intervene in such proceedings, and consent to immediate execution upon such judgment, hereby ratifying and confirming all that said attorney may do by virtue hereof.

All parties hereto severally waive presentment for payment, notice of dishonor and protest.

By:  Date: 1/3/08
Jimmy Page Jr., President
Page Cartage, Inc.

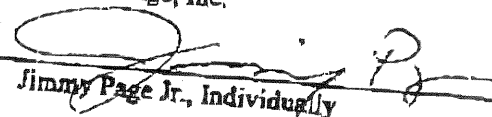
 Date: 1/3/08
Jimmy Page Jr., Individually

EXHIBIT D

Page Cartage, Inc.

Er # 4716

Welfare Fund

PRINCIPAL TOTAL: \$ (3,673.37)

DOWN PYMT: \$918.34

Date: January 4, 2008

Ck #: 1245

PRINC BALANCE: (\$2,755.03)

NMBR PYMNTS: 12

MNTHLY PYMT: \$242.21 /month

PAY THIS... OR THIS		AFTER REGULAR PAYMENT		
Date DUE	NOTE BALANCE	WEL PYMNT	PRINC PD	CURRENT PRINC BAL
1 01/30/08	2,777.99	242.21	219.25	2,535.78
2 02/28/08	2,556.91	242.21	221.08	2,314.70
3 03/30/08	2,333.99	242.21	222.92	2,091.78
4 04/30/08	2,109.21	242.21	224.78	1,867.00
5 05/30/08	1,882.55	242.21	226.65	1,640.34
6 06/30/08	1,654.01	242.21	228.54	1,411.80
7 07/30/08	1,423.57	242.21	230.45	1,181.36
8 08/30/08	1,191.20	242.21	232.37	948.99
9 09/30/08	956.90	242.21	234.30	714.69
10 10/30/08	720.64	242.21	236.25	478.43
11 11/30/08	482.42	242.21	238.22	240.21
12 12/30/08	242.21	242.21	240.21	0.00

Payments Made	
Date	Check #
1 2/5/08	1253
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	

AMT
PD
219.25

EXHIBIT E

Page Cartage, Inc.

Er # 4716

Pension Fund

PRINCIPAL TOTAL: \$ (2,777.99)

DOWN PYMT: \$694.50

Date: January 4, 2008

Ck #: 1246

PRINC BALANCE: (\$2,083.49)

NMBR PYMNTS: 12

MNTHLY PYMT: \$183.17 /month

PAY THIS.....OR THIS		AFTER REGULAR PAYMENT		
Date DUE	NOTE BALANCE	PEN PYMNT	PRINC PD	CURRENT PRINC BAL
1 01/30/08	2,100.85	183.17	165.81	1,917.68
2 02/28/08	1,933.66	183.17	167.19	1,750.49
3 03/30/08	1,765.08	183.17	168.58	1,581.90
4 04/30/08	1,595.09	183.17	169.99	1,411.91
5 05/30/08	1,423.68	183.17	171.41	1,240.51
6 06/30/08	1,250.85	183.17	172.83	1,067.67
7 07/30/08	1,076.57	183.17	174.27	893.40
8 08/30/08	900.84	183.17	175.73	717.67
9 09/30/08	723.65	183.17	177.19	540.48
10 10/30/08	544.99	183.17	178.67	361.81
11 11/30/08	364.83	183.17	180.16	181.66
12 12/30/08	183.17	183.17	181.66	0.00

Payments Made	
Date	Check #
1 2/5/08	1250
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	

AMT
PAID

125.81